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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,219	07/02/2003	John Sheridan Richards	600.1281	5761
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DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			EXAMINER HAMDAN, WASSEEM H	
			ART UNIT 2854	PAPER NUMBER

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,219

Applicant(s)

RICHARDS, JOHN SHERIDAN

Examiner

Wasseem H Hamdan

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi et al. (US Patent 4,694,749).

Regarding claims 1, 13 and 14, Takeuchi et al. discloses a method and apparatus for presetting motor phase in a web printing press [FIG. 2; column 2, lines 19-48] comprising the steps of:

providing a mark [column 1, lines 44-45] on a first printing form [column 1, line 45 (printing form means the same as printing plate)], the mark varying as a function of a desired preset phase for a motor driving the first printing form during printing [column 1, lines 46-48].

Since the cylinder (printing form) is driven by the motor, the phase deviations of the plate cylinder is the same as the phase deviation of the motor, as the motor is the driving force. As disclosed in Takeuchi et al. in column 1, lines 34-60, "Each sensor detects the phase deviations of the plate cylinders to carry out a registration operation", and column 2, lines 49-64 "error correcting means for changing the rotational phase of each plate cylinder in response to the signal from the control means", i.e. when the mark position is changed accordingly];

reading the mark using a sensor, the sensor having a sensor output [column 1, lines 42-47] ; and

presetting the phase of the motor as a function of the sensor output [column 1, line 43].

Regarding claim 14, Takeuchi et al. discloses controller [column 1, line 55] for determining the first preset motor phase information as a function of the output of the first sensor [column 1, lines 42-60].

Regarding claim 2, Takeuchi et al. discloses wherein the desired preset phase is a function of a physical position of the mark on the first printing form [column 1, lines 42-47].

Regarding claims 3 and 4, Takeuchi et al. discloses wherein the mark includes information related to the desired preset phase [column 1, lines 42-47].

Regarding claim 5, Takeuchi et al. discloses wherein the printing form is a lithographic printing plate [column 1, line 14; offset printing press is the same as lithographic printing, please see Handbook of print media, page 52, section 1.3.2.3, a copy is included (and in PTO 892 form) in the office action)].

Regarding claim 6, Takeuchi et al. discloses wherein the mark is located outside a main image area of the printing plate [m].

Regarding claim 7, Takeuchi et al. discloses placing the mark on the printing plate during a prepress process [column 14, lines 35-61].

Regarding claim 8, Takeuchi et al. discloses wherein the sensor reads the mark when the first printing form is on the printing press [m; 61; column 14, lines 35-61].

Regarding claim 10, Takeuchi et al. discloses a second mark [FIG. 2; 61] on a second printing form [FIG. 2; column 2, lines 34-35; 55-56], the second mark being a function of a desired preset phase for a second motor [20] driving the second printing form during printing, the first and second printing forms printing different webs [FIG. 2; 61; 2a; 20-26].

Regarding claim 11, Takeuchi et al. discloses calculating the desired preset phase for a specific job [column 11, lines 44-60].

Regarding claim 12, Takeuchi et al. discloses storing the desired preset phase [column 1, lines 40-41].

Regarding claim 16, Takeuchi et al. discloses a second printing group for printing a second web and having at least one second drive motor and at least one second printing form, the second printing form having a second mark providing second preset motor phase information for presetting the second drive motor to a second preset phase [FIG. 2; 61; 2a; 20-26].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. (US Patent 4,694,749) in view of Banke (US Patent 4,872,407).

Takeuchi et al. discloses the essential elements of the claimed invention except for wherein the sensor reads the mark prior to placement of the printing plate on the printing press. Banke discloses the sensor reads the mark prior to placement of the printing plate on the printing press [6, 5, 1; Abstract]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Takeuchi et al. by including the sensor reads the mark prior to placement of the printing plate on the printing press, since having the sensor reads the mark prior to placement of the printing plate on the printing press would be beneficial for the purpose of properly positioning the plate to the cylinder.

5. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. (US Patent 4,694,749) in view of Chretienat et al. (US Patent 6,167,806 B1).

Regarding claim 15, Takeuchi et al. discloses having a cutting device for cutting the web into signatures, the first preset motor phase information being a function of a reference position of the cutting device [column 4, lines 20-22].

Takeuchi et al. discloses the essential elements of the claimed invention except for a folder. Chretienat et al. discloses a folder [10; column 6, lines 41-43]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Takeuchi et al. by including a folder, since having a folder would be beneficial for the purpose of folding the printing material after being cut, storing and delivering it to the user, basically to make up a specific product such as magazines or newspaper as taught by Chretienat et al..

Regarding claim 17, Takeuchi et al. discloses Takeuchi et al. discloses the essential elements of the claimed invention except for that the controller controls the first and the second drive motors. Chretienat et al. discloses that the controller controls the first and the second drive motors [6; column 6, lines 44-47]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Takeuchi et al. by including that the controller controls the first and the second drive motors, since having a second printing group for printing a second web would be beneficial for the purpose of folding the printing material after being cut, storing and deliver it to the user, basically to make up a specific product such as magazines or newspaper as taught by Chretienat et al..

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. (US Patent 4,694,749) in view of Hunold et al. (US Patent 6,165,732 B2).

Regarding claim 18, Takeuchi et al. discloses the essential elements of the claimed invention except for a printing form imaging device connected to the controller for creating the mark. Hunold et al. discloses a printing form imaging device connected to the controller for creating the mark [column 7, lines 34-46; 53-64; column 8, lines 15-17]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Takeuchi et al. by including a printing form imaging device connected to the controller for creating the mark, since having a printing form imaging device connected to the controller for creating the mark would be beneficial for the purpose of one printing device for the printing plate and the register mark in one machine.

7. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. (US Patent 4,694,749) in view of Huston (US Patent 5,816,165).

Regarding claim 19, Takeuchi et al. discloses the essential elements of the claimed invention except for measuring a distance of the mark from an edge of the first printing form. Hunold et al. discloses measuring a distance of the mark from an edge of the first printing form [d₀; column 3, lines 4-10]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Takeuchi et al. by including measuring a distance of the mark from an edge of the first printing form, since having to measure a distance of the mark from an edge of the first printing form would be beneficial for the purpose of giving indication how far the mark is from the beginning of the cylinder.

Regarding claim 19, Takeuchi et al. discloses the essential elements of the claimed invention except for the mark is a bar code. Hunold et al. discloses the mark is a bar code [d₀; column 3, lines 4-10]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Takeuchi et al. by including the mark is a bar code, since Huston teaches that having the mark is a bar code would be beneficial for the purpose of including various information about the paper strip and resulting roll including media type, the manufacturer's name, etc. [Huston: column 3, lines 28-36].

Response to Arguments

8. Applicant's arguments filed on 11/18/2004 have been fully considered but they are not persuasive. The Amendment is insufficient to overcome the prior art of record.

Applicant's arguments on pages 5 and 6, that the newly added limitation "the mark varying as a function of a desired preset phase for a motor"; "In Takeuchi, there is no teaching or indication that the marks m, m vary at all. In fact they always seem to be at a same location on the plate and have the same shape irrespective of the desired preset phase. The datum setting device 62 sets any desired preset phase via the datum setting device 62. In fact, Takeuchi does not provide a mark on a first printing form, the mark varying as a function of a desired preset phase for a motor driving the first printing form during printing" as claimed, and the argument about the horizontal lines of marks m, m do not provide any first preset motor phase information, as with the present marks. The marks do not vary and thus cannot provide any information on the preset motor phase. The horizontal lines of the marks m, m are used as reference points for the datum setting device which provides the preset information ". The

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examiner respectfully disagrees, because with the broadest reasonable interpretation of the instant application's claimed limitations, Takeuchi et al. discloses the mark varying as a function of a desired preset phase for a motor driving the first printing form during printing [column 1, lines 46-48]. Since the cylinder (printing form) is driven by the motor, the phase deviations of the plate cylinder is the same as the phase deviation of the motor, as the motor is the driving force. As disclosed in Takeuchi et al. in column 1, lines 34-60, "Each sensor detects the phase deviations of the plate cylinders to carry out a registration operation", and column 2, lines 49-64 "error correcting means for changing the rotational phase of each plate cylinder in response to the signal from the control means", i.e. when the mark position is changed accordingly. It is a conditional limitation, i.e. at a given moment the mark and position of the cylinder are fixed in the system, which also taught by Takeuchi et al. Therefore the rejection is proper.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wasseem H Hamdan whose telephone number is (571) 272-2166. The examiner can normally be reached on M-F (first Friday off) 6:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wasseem H. Hamdan

December 8, 2004



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